

REMARKS

Reexamination and reconsideration of the rejections are requested. The amendments above are submitted to clarify the claimed invention and correct typographical errors. No new matter has been added. The basis for the amendments may be found in the Specification, for example at Page 12, lines 8-10; Page 14, lines 16-23; Examples 2-3; as well as in original claims, *e.g.*, Claims 2, 12 and 13. Claims 28-31 were amended to correct the preamble of these dependent claims so as to conform to the parent claim, thereby correcting a typographical error.

The § 101 Rejection

Claims 13, 14 and 34 have been rejected under 35 U.S.C. §101 for same invention double patenting. The claims, as amended, are not coextensive in scope. Claim 13 was combined into Claim 12 which was also modified to require specified minimum amounts of blend polymers. Claim 14 depends upon the amended Claim 12. Claim 34 was amended to further define and limit the first polymer. The rejection should be withdrawn.

The "Obviousness-Type" Double Patenting Rejection

Claims 1-12, 15-33 and 35-45 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-17 of U.S. Patent No. 5,928,740.

Filed herewith is a Terminal Disclaimer over commonly owned U.S. Patent No. 5,928,740, thereby obviating the grounds for this rejection. The rejection is therefore requested to be withdrawn.

The § 102 Rejection

The Examiner has rejected all of the claims, 1-45, under §102(e) stating that the disclosed layers 2 and 4 of the Idlas reference anticipates the present invention. This interpretation of Idlas requires that the third polymer of the presently claimed blend be the adhesive resin of Idlas. The adhesive resin of Idlas is defined as being an anhydride-modified copolymer. Also, it is clear

from the teachings of Idlas that this adhesive resin is disposed in an intermediate layer for the purpose of adhering the layers together. This is contrary to use in a heat sealing surface layer. Therefore, present Claims 1 and 12 have been further defined by inclusion of the subject matter of Claims 2 and 13, respectively, to specify that the third polymer be selected from the group of LDPE, HDPE, propylene copolymers and a copolymer consisting essentially of ethylene and at least one α -olefin. Claims 34, 35 and 37 have been similarly amended to clearly exclude the anhydride-modified resin of Idlas. Also, Claim 32 has been amended to specify that the blend comprise a heat sealable surface layer. These limitations clearly distinguish Applicants' third polymer from the adhesive of Idlas.

The amendments are believed to obviate the Examiner's §102(e) rejection, and this rejection should therefore be withdrawn.

Reexamination and reconsideration of the application and claims are requested. It is believed that the claims are in condition for allowance, which is earnestly requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 502023.

Respectfully submitted,



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Version with Markings to Show Changes Made:

In The Claims:

1. (Amended) A polymer blend of at least three [copolymers] polymers comprising:
at least 10% by weight, based upon the weight of the blend, of a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin;
at least 10% by weight, based upon the weight of the blend, of a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and
at least 10% by weight, based upon the weight of the blend, of a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer selected from the group LDPE, HDPE, propylene copolymers, and a copolymer consisting essentially of ethylene and at least one α -olefin.
12. (Amended) A flexible [thermoplastic] film having at least one layer comprising a blend of at least three polymers comprising:
at least 10% by weight, based upon the weight of the blend, of a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin;
at least 10% by weight, based upon the weight of the blend, of a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and
at least 10% by weight, based upon the weight of the blend, of a third polymer having a melting point between 115 to 130°C comprising a polymer selected from the group LDPE, HDPE, propylene copolymers, and a copolymer consisting essentially of ethylene and at least one α -olefin.
28. (Amended) A [polymer blend] film, as defined in Claim 12, wherein said first polymer and said second polymer comprises an interpolymer.

29. (Amended) A [polymer blend] film, as defined in Claim 12, wherein said first polymer and said third polymer comprises an interpolymer.

30. (Amended) A [polymer blend] film, as defined in Claim 12, wherein said second polymer and said third polymer comprises an interpolymer.

31. (Amended) A [polymer blend], film, as defined in Claim 12, wherein an interpolymer comprises at least two of said first, second and third polymers.

32. (Amended) A biaxially stretched, heat shrinkable film comprising at least three layers, wherein said first layer is a heat sealable surface layer and comprises a blend of at least four polymers comprising:

at least 10% by weight, based upon the weight of the blend, of a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin;

at least 10% by weight, based upon the weight of the blend, of a second polymer having a melting point between 85 to 110°C comprising a copolymer of ethylene and at least one α -olefin; and

at least 10% by weight, based upon the weight of the blend, of a third polymer having a melting point between 115 to 130°C comprising a [thermoplastic] polymer; and a fourth polymer having a melting point between 80 to 105°C; a third layer comprising at least 50 percent by weight of copolymer of ethylene with at least one alpha-olefin or at least one vinyl ester or blends thereof, and a second layer between said first and third layers; said second layer comprising a vinylidene chloride copolymer, a nylon or a copolymer of ethylene with a vinyl alcohol.

34. (Amended) A thermoplastic film of at least two layers comprising, a first layer comprising a first polymer (A) having a melting point between 115 to 130°C selected from the group LDPE, HDPE, propylene copolymers and a copolymer consisting essentially of ethylene and at least one C₄-C₈ α -olefin; and a second polymer (B) having a melting point between 80 to 105°C, and a second layer in direct contact with said first layer without any interposed

thermoplastic film layer, said second layer comprising a third polymer (C) having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α -olefin.

35. (Amended) A biaxially stretched, heat shrinkable film comprising at least five layers wherein said first layer comprises a blend of at least three polymers comprising:

a first polymer having a melting point between 55 to 75°C, comprising a copolymer of ethylene and at least one α -olefin;

a second polymer having a melting point between 85 to 110°C, comprising a copolymer of ethylene and at least one α -olefin;

a third polymer having a melting point between 115 to 130°C, comprising a thermoplastic polymer selected from the group LDPE, HDPE, propylene copolymers and a copolymer consisting essentially of ethylene and at least one C₄-C₈ α -olefin; and optionally a fourth polymer having a melting point between 80 to 105°C; a second layer comprising an ethylene copolymer; a fourth layer comprising an ethylene copolymer; a third layer between said second and fourth layers, said third layer comprising a vinylidene chloride copolymer, a nylon or a copolymer of ethylene with a vinyl alcohol; and a fifth layer comprising at least 50 percent by weight of copolymer of ethylene with at least one alphas-olefin or at least one vinyl ester or blends thereof.

37. (Amended) A process for making a biaxially stretched, heat shrinkable film comprising:

extruding a melt plastified primary tube comprising a first polymer having a melting point between 55 to 75°C, comprising a copolymer of ethylene and at least one α -olefin; a second polymer having a melting point between 85 to 110°C, comprising a copolymer of ethylene and at least one α -olefin; a third polymer having a melting point between 115 to 130°C, comprising a thermoplastic polymer selected from the group LDPE, HDPE, propylene copolymers and a copolymer consisting essentially of ethylene and at least one C₄-C₈ α -olefin; and optionally a fourth polymer having a melting point between 80 to 105°C;

cooling said primary tube;

reheating said cooled tube to a draw point temperature between about 65 to 88°C; biaxially stretching said tube to a circumference of at least 2½ times the circumference of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film.

Please cancel Claims 2, and 13, without prejudice.